

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Erik Martz	Confirmation No.	9963
Appln. No.:	10/520,794	Examiner:	A. Reimers
Filed:	January 10, 2005	Group Art Unit:	3733
Title:	Chisels and Procedure for Insertion of Spinal Implant in a Spinal Disc Space		

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please correct the filing receipt dated July 26, 2005 in the above-identified application as follows:

Domestic Priority Information:

The PCT Priority information should read "PCT/US03/21967 07/11/03" instead of "PCT/US03/29157 07/16/03".


A marked-up copy of the filing receipt is enclosed herewith, along with a copy of the filed Declaration that correctly identifies the PCT application.

The Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 041420.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: 7/30/08

By: 
Kenneth E. Levitt, Reg. No. 39,747
(612) 340-2755



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (S) DATE	ART UNIT	FIL FEE RECD	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/520,794	01/10/2005	3738	1700	525400-343	12	58	6

CONFIRMATION NO. 9963

William Squire
 Carella Byrne Bain Gilfillan Cecchi
 Stewart & Olstein
 5 Becker Farm Road
 Roseland, NJ 07068

FILING RECEIPT



OC000000016411219

Date Mailed: 07/26/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Erik O. Martz, Savage, MN;
 David Chow, West Chester, PA;

Power of Attorney:

William Squire--25378

Domestic Priority data as claimed by applicant

21467 11

This application is a 371 of PCT/US03/24657 07/16/2003 *
 which claims benefit of 60/397,232 07/19/2002

(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

DATE RECEIVED:	7-29-05
DATES ENTERED:	
1) _____	
2) _____	
3) _____	
4) _____	
5) _____	
6) _____	
DOCKETED BY:	PM
DATE:	7-29

Title

Chisels and procedure for insertion of spinal implant in a spinal disc space

Preliminary Class

623

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations

especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CHISELS AND PROCEDURE FOR INSERTION OF SPINAL IMPLANT IN A SPINAL DISC SPACE

the specification of which ☒ is attached hereto or ☐ was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37 Code of Federal Regulations Section 1.56(a).

I hereby claim foreign priority benefits under Title 35 United States Code Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s):

PCT/US03/021967 (Number)	International (Country)	11 July 2003 (Day/Month/Year Filed)	Priority Claimed	
			Yes	No
			<input checked="" type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35 United States Code Section(s) 119 and/or 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code Section 112 I acknowledge the duty to disclose material information as defined in Title 37 Code of Federal Regulations Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

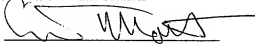
60/397,232 (Application Serial No.)	19-Jul-2002 (Filing Date)	Abandoned (Status - pending provisional, patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status - pending provisional, patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: John N. Bain (Reg. No. 18,651); John G. Giffillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); William Squire (Reg. No. 25,378); Alan J. Grant (Reg. No. 33,389); Francis C. Hand (Reg. No. 22,280); Glennon G. Troublefield (Reg. No. 39,050); Raymond E. Stauffer (Reg. No. 47,109). Address correspondence and telephone calls to William Squire, Esq., c/o Carella, Byrne, Bain, Giffillan, Cecchi, Stewart & Olstein, 5 Becker Farm Road, Roseland, NJ 07068 - (973) 994-1700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Erik O. Martz

Inventor's signature



Date

22 Nov 2004

Residence

Savage, Minnesota

Citizenship

U.S.A.

Post Office Address

5681 Oak View Court, Savage MN 55378

Page 2 of Declaration

Serial No.

Title: **CHISELS AND PROCEDURE FOR INSERTION
OF SPINAL IMPLANT IN A SPINAL DISC**

Docket No.: 525400.343

Full name of sole or first inventor: David Chow

Inventor's signature

David Chow

Date

12/2/04

Residence

West Chester, Pennsylvania

Citizenship

U.S.A.

Post Office Address

254 Cedar Ridge Road, West Chester PA 19380

238214 v1

Page 2 of Declaration

Serial No.

Title: **CHISELS AND PROCEDURE FOR INSERTION
OF SPINAL IMPLANT IN A SPINAL DISC**

Docket No.: 525400.343

Full name of sole or first inventor: David Chow

Inventor's signature _____

Date _____

Residence Edison, New Jersey 08817

Citizenship U.S.A.

Post Office Address 10 Sulliman Road

238214 v1